

HOUSE BILL No. 1161

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-11-10-2; IC 6-1.1; IC 36-2-6.

Synopsis: Publication and Internet posting of claims. Requires the county auditor to: (1) publish in a newspaper a statement of the total amount of claims filed for consideration by the county executive; and (2) post on the Internet an itemized statement of claims filed for consideration by the county executive.

Effective: July 1, 2005.

Ruppel

January 6, 2005, read first time and referred to Committee on Local Government.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1161

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-11-10-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Claims against
3 a political subdivision of the state must be approved by the officer or
4 person receiving the goods or services, be audited for correctness and
5 approved by the disbursing officer of the political subdivision, and,
6 where applicable, be allowed by the governing body having jurisdiction
7 over allowance of such claims before they are paid. If the claim is
8 against a governmental entity (as defined in section 1.6 of this chapter),
9 the claim must be certified by the fiscal officer.
- 10 (b) The state board of accounts shall prescribe a form which will
11 permit claims from two (2) or more claimants to be listed on a single
12 document and, when such list is signed by members of the governing
13 body showing the claims and amounts allowed each claimant and the
14 total claimed and allowed as listed on such document, it shall not be
15 necessary for the members to sign each claim.
- 16 (c) Notwithstanding subsection (b), only:
17 (1) the chairperson of the board of directors of a solid waste



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management district established under IC 13-21 or IC 13-9.5
(before its repeal); or

(2) the chairperson's designee;
is required to sign the claim form described under this section.

(d) The form prescribed under this section shall be prepared by or
filed with the disbursing officer of the political subdivision, together
with:

(1) the supporting claims if payment is made under section 1 of
this chapter; or

(2) the supporting invoices or bills if payment is made under
section 1.6 of this chapter.

All such documents shall be carefully preserved by the disbursing
officer as a part of the official records of the office.

(e) Where under any law it is provided that each claim be allowed
over the signatures of members of a governing body, or a claim docket
or accounts payable voucher register be prepared listing claims to be
considered for allowance, the form and procedure prescribed in this
section shall be in lieu of the provisions of the other law.

~~(f) Notwithstanding this section, the publication required by
IC 36-2-6-3(b) must state each claim for which a separate warrant or
check is to be issued by the disbursing officer except for claims for the
following:~~

~~(1) Salaries fixed in a definite amount by ordinance or statute;~~

~~(2) Per diem of jurors;~~

~~(3) Salaries of officers of a court;~~

SECTION 2. IC 6-1.1-4-32 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 32. (a) As used in this
section, "contract" refers to a contract entered into under this section.

(b) As used in this section, "contractor" refers to a firm that enters
into a contract with the department of local government finance under
this section.

(c) As used in this section, "qualifying county" means a county
having a population of more than four hundred thousand (400,000) but
less than seven hundred thousand (700,000).

(d) At least one (1) time each month, the contractors that will make
physical visits to the site of real property for reassessment purposes
shall publish a notice under IC 5-3-1 describing the areas that are
scheduled to be visited within the next thirty (30) days and explaining
the purposes of the visit. The notice shall be published in a way to
promote understanding of the purposes of the visit in the affected areas.
After receiving the report of assessed values from the appraisal firm
acting under a contract described in subsection (e), the department of

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1 local government finance shall give notice to the taxpayer and the
2 county assessor, by mail, of the amount of the reassessment. The notice
3 of reassessment:

4 (1) is subject to appeal by the taxpayer under section 34 of this
5 chapter; and

6 (2) must include a statement of the taxpayer's rights under
7 sections 33 and 34 of this chapter.

8 (e) Notwithstanding IC 4-13-2, a period of seven (7) days is
9 permitted for each of the following to review and act under IC 4-13-2
10 on a contract of the department of local government finance under this
11 section:

12 (1) The commissioner of the Indiana department of
13 administration.

14 (2) The director of the budget agency.

15 (3) The attorney general.

16 (4) The governor.

17 (f) With respect to a general reassessment of real property to be
18 completed under section 4 of this chapter for an assessment date after
19 the March 1, 2002, assessment date, the department of local
20 government finance shall initiate a review with respect to the real
21 property in a qualifying county or a township in a qualifying county, or
22 a portion of the real property in a qualifying county or a township in a
23 qualifying county. The department of local government finance may
24 contract to have the review performed by an appraisal firm. The
25 department of local government finance or its contractor shall
26 determine for the real property under consideration and for the
27 qualifying county or township the variance between:

28 (1) the total assessed valuation of the real property within the
29 qualifying county or township; and

30 (2) the total assessed valuation that would result if the real
31 property within the qualifying county or township were valued in
32 the manner provided by law.

33 (g) If:

34 (1) the variance determined under subsection (j) exceeds ten
35 percent (10%); and

36 (2) the department of local government finance determines after
37 holding hearings on the matter that a special reassessment should
38 be conducted;

39 the department shall contract for a special reassessment by an appraisal
40 firm to correct the valuation of the property.

41 (h) If the variance determined under subsection (f) is ten percent
42 (10%) or less, the department of local government finance shall

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determine whether to correct the valuation of the property under:

(1) sections 9 and 10 of this chapter; or

(2) IC 6-1.1-14-10 and IC 6-1.1-14-11.

(i) The department of local government finance shall give notice by mail to a taxpayer of a hearing concerning the department's intent to cause the taxpayer's property to be reassessed under this section. The time fixed for the hearing must be at least ten (10) days after the day the notice is mailed. The department of local government finance may conduct a single hearing under this section with respect to multiple properties. The notice must state:

(1) the time of the hearing;

(2) the location of the hearing; and

(3) that the purpose of the hearing is to hear taxpayers' comments and objections with respect to the department of local government finance's intent to reassess property under this chapter.

(j) If the department of local government finance determines after the hearing that property should be reassessed under this section, the department shall:

(1) cause the property to be reassessed under this section;

(2) mail a certified notice of its final determination to the county auditor of the qualifying county in which the property is located; and

(3) notify the taxpayer by mail of its final determination.

(k) A reassessment may be made under this section only if the notice of the final determination under subsection (i) is given to the taxpayer within the same period prescribed in IC 6-1.1-9-3 or IC 6-1.1-9-4.

(l) If the department of local government finance contracts for a special reassessment of property under this section, the qualifying county shall pay the bill, without appropriation, from the county property reassessment fund. A contractor may periodically submit bills for partial payment of work performed under a contract. Notwithstanding any other law, a contractor is entitled to payment under this subsection for work performed under a contract if the contractor:

(1) submits, in the form required by IC 5-11-10-1, a fully itemized, certified bill for the costs under the contract of the work performed to the department of local government finance for review;

(2) obtains from the department of local government finance:

(A) approval of the form and amount of the bill; and

(B) a certification that the billed goods and services billed for

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- 1 payment have been received and comply with the contract; and
 2 (3) files with the county auditor of the qualifying county:
 3 (A) a duplicate copy of the bill submitted to the department of
 4 local government finance;
 5 (B) the proof of approval provided by the department of local
 6 government finance of the form and amount of the bill that
 7 was approved; and
 8 (C) the certification provided by the department of local
 9 government finance that indicates that the goods and services
 10 billed for payment have been received and comply with the
 11 contract.

12 An approval and a certification under subdivision (2) shall be treated
 13 as conclusively resolving the merits of the claim. Upon receipt of the
 14 documentation described in subdivision (3), the county auditor shall
 15 immediately certify that the bill is true and correct without further
 16 audit, publish **and post** the claim as required by IC 36-2-6-3, and
 17 submit the claim to the county executive of the qualifying county. The
 18 county executive shall allow the claim, in full, as approved by the
 19 department of local government finance without further examination
 20 of the merits of the claim in a regular or special session that is held not
 21 less than three (3) days and not more than seven (7) days after
 22 completion of the publication **and posting** requirements under
 23 IC 36-2-6-3. Upon allowance of the claim by the county executive, the
 24 county auditor shall immediately issue a warrant or check for the full
 25 amount of the claim approved by the department of local government
 26 finance. Compliance with this subsection shall be treated as
 27 compliance with section 28.5 of this chapter, IC 5-11-6-1, IC 5-11-10,
 28 and IC 36-2-6. The determination and payment of a claim in
 29 compliance with this subsection is not subject to remonstrance and
 30 appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply to a claim under
 31 this subsection. IC 5-11-10-1.6(d) applies to a fiscal officer who pays
 32 a claim in compliance with this subsection.

33 (m) A qualifying official (as defined in IC 33-26-8-3) shall provide
 34 information requested in writing by the department of local government
 35 finance or the department's contractor under this section not later than
 36 seven (7) days after receipt of the written request from the department
 37 or the contractor. If a qualifying official (as defined in IC 33-26-8-3)
 38 fails to provide the requested information within the time permitted in
 39 this subsection, the department of local government finance or the
 40 department's contractor may seek an order of the tax court under
 41 IC 33-26-8 for production of the information.

42 (n) The provisions of this section are severable in the manner

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provided in IC 1-1-1-8(b).

(o) This section expires December 31, 2006.

SECTION 3. IC 6-1.1-15-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) If a review or appeal authorized under this chapter results in a reduction of the amount of an assessment or if the department of local government finance on its own motion reduces an assessment, the taxpayer is entitled to a credit in the amount of any overpayment of tax on the next successive tax installment, if any, due in that year. After the credit is given, the county auditor shall:

(1) determine if a further amount is due the taxpayer; and

(2) if a further amount is due the taxpayer, notwithstanding IC 5-11-10-1 and IC 36-2-6-2, without a claim or an appropriation being required, pay the amount due the taxpayer.

The county auditor shall charge the amount refunded to the taxpayer against the accounts of the various taxing units to which the overpayment has been paid. The county auditor shall notify the county executive of the payment of the amount due and publish **and post** the allowance in the manner provided in IC 36-2-6-3.

(b) The notice under subsection (a)(2) is treated as a claim by the taxpayer for the amount due referred to in that subsection.

SECTION 4. IC 36-2-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) This section does not apply to claims for salaries fixed in a definite amount by ordinance or statute, per diem of jurors, and salaries of officers of a court.

(b) The county auditor shall: ~~publish all claims that have been filed for the consideration of the county executive and shall publish all allowances made by courts of the county.~~

(1) publish a statement of the total amount of all claims that have been filed for the consideration of the county executive and shall include in the statement a notice stating:

(A) the address where a person may obtain one (1) copy of an itemized statement of all claims, free of charge, by mailing or delivering to the address a stamped, self-addressed envelope; and

(B) the address of the Internet web site where the itemized statement of all claims may be inspected as set forth in subdivision (2); and

(2) post on the Internet an itemized statement of all claims that have been filed for the consideration of the county executive.

Claims filed for the consideration of the executive shall be published

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1 **and posted** at least three (3) days before each session of the executive.
 2 **and court allowances shall be published at least three (3) days before**
 3 **the issuance of warrants in payment of those allowances.** In publication
 4 **of posting on the Internet** itemized statements filed by assistant
 5 highway supervisors for consideration of the executive, the auditor
 6 shall ~~publish~~ **post** the name of each party and the total amount due each
 7 party named in the itemized statements. Notice of claims filed for
 8 consideration of the county executive **and posted on the Internet** must
 9 state their amounts and to whom they are made. ~~Claims and allowances~~
 10 **subject to A statement of the total amount of claims published**
 11 **under this section subsection** shall be published as prescribed by
 12 IC 5-3-1, except that only one (1) publication in two (2) newspapers is
 13 required.

14 **(c) The county auditor shall publish all allowances made by**
 15 **courts of the county. Court allowances shall be published at least**
 16 **three (3) days before the issuance of warrants in payment of those**
 17 **allowances. Allowances published under this subsection shall be**
 18 **published as prescribed by IC 5-3-1, except that only one (1)**
 19 **publication in two (2) newspapers is required.**

20 ~~(c)~~ **(d)** A member of the county executive who considers or allows
 21 a claim, or a county auditor who issues warrants in payment of
 22 allowances made by the county executive or a court of the county,
 23 before compliance with subsection (b) **or (c)** commits a Class C
 24 infraction.

25 ~~(d)~~ **(e)** A county auditor shall publish one (1) time in accordance
 26 with IC 5-3-1 a notice of all allowances made by a circuit or superior
 27 court. The notice must be published within sixty (60) days after the
 28 allowances are made and must state their amount, to whom they are
 29 made, and for what purpose they are made.

30 SECTION 5. IC 36-2-6-4.5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) A county
 32 executive may adopt an ordinance allowing money to be disbursed for
 33 lawful county purposes under this section.

34 (b) Notwithstanding IC 5-11-10, with the prior written approval of
 35 the board having jurisdiction over the allowance of claims, the county
 36 auditor may make claim payments in advance of board allowance for
 37 the following kinds of expenses if the county executive has adopted an
 38 ordinance under subsection (a):

- 39 (1) Property or services purchased or leased from the United
- 40 States government, its agencies, or its political subdivisions.
- 41 (2) License or permit fees.
- 42 (3) Insurance premiums.

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(4) Utility payments or utility connection charges.

(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.

(6) Grants of state funds authorized by statute.

(7) Maintenance or service agreements.

(8) Leases or rental agreements.

(9) Bond or coupon payments.

(10) Payroll.

(11) State or federal taxes.

(12) Expenses that must be paid because of emergency circumstances.

(13) Expenses described in an ordinance.

(c) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the county auditor.

(d) The county executive or the county board having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense.

(e) A payment of expenses under this section must be published **and posted** in the manner provided under section 3 of this chapter.

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